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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

Report by the Secretary-General

Summary

The present report, which has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 68/82, provides an update on Israel's activities aimed at creating and expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan. It focuses on both official and informal methods used by Israel to control land, which is then allocated to settlements. It also provides an update on settler violence and addresses the failure of Israel to maintain public order and ensure accountability for settler violence.

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I. Introduction

1. In its resolution 68/82, the General Assembly, deploring "settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced displacement of civilians and the de facto annexation of land", affirming that "the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law" and expressing grave concern about the continuation of Israel's settlement activities, "in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities", reiterated its demand for the "immediate and complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan" and called for the prevention of and accountability for illegal acts by Israeli settlers against Palestinians in the occupied territory.

2. The present report, submitted pursuant to that resolution, covers the period from 1 July 2013 to 15 May 2014, although important information about events taking place up until early June 2014 is included, where relevant. The information contained in the report is based on monitoring and other information gathering activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and information provided by other United Nations entities in the Occupied Palestinian Territory. The report also contains information received from Israeli and Palestinian non-governmental organizations (NGOs) and media sources. It should be read in conjunction with previous reports of the Secretary-General on Israeli settlements (A/68/513 and A/67/375) and with other reports of the Secretary-General submitted to the General Assembly at its sixty-ninth session, notably the report on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/69/355).

3. Previous reports highlighted different aspects of the impact of Israeli settlements on the human rights of Palestinians, as well as Israel's leading role in the creation and expansion of settlements. The report provides an update on the settlement activities of the Government of Israel during the reporting period and analyses official and informal methods used by the Government to create and expand settlements. The report also provides an update on settler violence and examines the ongoing failure of Israel to maintain public order and establish accountability for such violence.

II. Legal background

4. The legal framework applicable to Israeli settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan is found in international humanitarian law and international human rights law (see A/68/513, para. 4, and A/67/375, para. 4). The General Assembly (resolution 68/82), the Security Council (resolution 799 (1992)), the Human Rights Council (resolution 25/30) and the International Court of Justice (A/ES-10/273 and Corr.1, para. 101) have all affirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of

War of 1949 (Fourth Geneva Convention) applies to the Occupied Palestinian Territory. Article 49 of that Convention, in absolute terms, prohibits the Occupying Power from deporting or transferring parts of its own civilian population into the territory it occupies. The Hague Regulations[1] further prohibit an occupying power from undertaking permanent changes in the occupied area unless they are strictly for military necessity or for the benefit of the local population (A/64/516, para. 8).

5. Moreover, the International Court of Justice (A/ES-10/273 and Corr.1, paras. 102-113) and United Nations treaty bodies responsible for reviewing the implementation of international human rights treaties have affirmed that Israel, as the Occupying Power, is bound by the international human rights treaties it has ratified (A/67/375, para. 5) and has the obligation to implement its human rights obligations in the occupied territories.[2] The recent accession by the State of Palestine to several human rights treaties[3] does not affect Israel's obligations under international human rights law and international humanitarian law.

III. Overview

6. During the reporting period, Israel continued to expand existing settlements in occupied territory and to approve new settlements. According to Peace Now, an Israeli NGO, between 1 July 2013 and 15 May 2014, tenders were announced for 6,013 housing units in Israeli settlements in the West Bank, including East Jerusalem, and 9,712 housing units were "promoted",[4] including 7,290 in the West Bank and 2,422 in East Jerusalem. In addition, on 4 June 2014, the Government of Israel announced the issuance of tenders for over 1,400 new settlement units in the West Bank, including East Jerusalem. According to the Office of the United Nations Special Coordinator for the Middle East Peace Process, Israeli authorities have also advanced plans for around 1,000 settlement housing units, following the Government's decision to unfreeze planning processes for 1,800 settlements units. According to Peace Now, Israeli official statistics show new construction and building plans in Israeli settlements increased by over 150 per cent during 2013, and construction began on 828 units in the latter half of 2013 in the Occupied Palestinian Territory compared with 484 units during the same period in 2012.[5]

7. The Secretary-General further notes that the tender or promotion of a large number of units occurred during the last round of Israeli-Palestinian peace talks, held from 29 July 2013 to 29 April 2014, when at least 13,851 housing units were reportedly tendered or promoted in the Israeli settlements in the West Bank, including East Jerusalem. This includes 4,868 tenders, of which 2,248 were in the

[1] The Hague Regulations are annexed to the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV). According to the International Court of Justice, while Israel is not a party to that Convention, the Hague Regulations are applicable to Israel as part of customary law (A/ES-10/273 and Corr.1, paras. 89-101).

[2] CERD/C/ISR/CO/14-16, para. 10, CRC/C/ISR/CO/2-4, para. 3, and A/HRC/25/38, para. 5.

[3] In April 2014, the State of Palestine acceded to 20 international treaties, including eight human rights treaties, the four Geneva Conventions of 1949 and First Additional Protocol and the Hague Convention and Regulations.

[4] The term "promote" is used by Peace Now to indicate support from the Government of Israel in advancing new settlement units in the different stages of the planning process (A/HRC/25/38, footnote 10).

[5] See http://peacenow.org.il/eng/9Months.

West Bank and 2,620 in East Jerusalem, and 8,983 promoted plans, including 6,561 in the West Bank and 2,422 in East Jerusalem.[5]

8. During the reporting period, Israel also undertook significant actions to allow for further expansion of its settlements. As outlined in paragraphs 12 to 16 below, this included advancing plans to transfer Palestinian Bedouin communities living in the central West Bank, including the eastern Jerusalem periphery and the Jordan Valley, to three centralized sites planned by the Israeli Civil Administration, apparently in connection with plans to expand settlements in those areas.

9. In addition, Israel continued to support and contribute to the expansion of settlements by providing funding. For instance, almost 600 million shekels (approximately $172 million) were reportedly transferred to Israeli settlements through budget adjustments requested by the Government from the Knesset between October 2013 and March 2014.[6] In line with past practice, these sums were not included in the annual State budget (A/68/513, para. 9). In late March 2014, an additional 177 million shekels (approximately $51 million) were reportedly allocated to the Settlements Division of the World Zionist Organization,[7] the official role of which is to assist the Government in establishing or expanding settlements in the Occupied Palestinian Territory.

10. Ten years after the International Court of Justice issued its 2004 Advisory Opinion on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory, Israel continues to breach international human rights and humanitarian law by building and expanding the wall and the settlements in the West Bank, including East Jerusalem.[8] Since 2004, several new settlements have been established, notably in East Jerusalem,[9] and the settler population in the West Bank, including East Jerusalem, has increased from an estimated 415,000 settlers in 2004 to between 500,000 and 650,000 in 2012 (A/HRC/25/38, para. 8). This represents an increase of at least 85,000 settlers since the issuance by the International Court of Justice of its landmark opinion.

11. Israeli settlements continue to be at the centre of multiple violations of the human rights of Palestinians, including their freedoms of non-discrimination, liberty, security of person and fair trial, freedom of movement, adequate housing, health, education, work and an adequate standard of living (see A/HRC/25/38 and A/68/513). Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights establishes that all peoples have the right to self-determination and that they may freely determine their political status and freely pursue their economic, social and cultural development. The continuation of the transfer by Israel of its population into the Occupied Palestinian Territory and the maintenance, creation and expansion of Israeli settlements have severe negative impacts on the right to self-determination of

[6] www.haaretz.com/news/national/1.581405.

[7] www.haaretz.com/.premium-1.582875.

[8] The Court indicated that the wall, along the route chosen, and its associated regime gravely infringe a number of human rights of Palestinians residing in the territory occupied by Israel and contravene international humanitarian law provisions, including article 49 of the Fourth Geneva Convention (see A/ES-10/273 and Corr.1, paras. 123-137).

[9] Mostly in East Jerusalem: Nof Zion (2004); Mosrara East (2004); Hashalom Forest (2006); Beit Hachoshen (2006); Beit Yonatan (2006); Kidmat Zion (2006); and Jabel Mukabber (2010). Source: Peace Now.

Palestinian people (A/67/375, para. 10). This right is generally understood as having several elements, including the right to have a demographic and territorial presence and the right to permanent sovereignty over natural resources.[10] Those elements are affected not only by the expansion of Israeli settlements, but also by their mere presence (A/67/375, para. 10) and by the phenomenon of settler violence. The Secretary-General recalls that the realization of the right to self-determination is of particular importance because it is an essential condition for the effective guarantee and observance of human rights and for the promotion and strengthening of those rights.[10] In addition, articles 1(3) of the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, to which Israel is party, establish that States should promote and respect the right to self-determination.

IV. Creation and expansion of settlements

A. Forcible transfer of Palestinian Bedouin and herder communities

12. During the reporting period, Israel took significant steps to facilitate the expansion of its settlements in the West Bank, including East Jerusalem. In particular, it has taken measures aimed at transferring Palestinian Bedouin communities living in the central West Bank, including the eastern Jerusalem periphery and the Jordan Valley, to three centralized sites. On 27 April 2014, at a meeting of a Knesset subcommittee, the Coordinator of Government Activities in the Territories of the Ministry of Defense presented a comprehensive initiative to transfer Palestinian Bedouin communities residing in rural areas within Area C of the central West Bank, including the Jordan Valley, the so-called "E-1"[11] area in the Jerusalem periphery and the Ma'ale Adumim settlement area, to centralized sites planned by the Israeli Civil Administration, namely Al-Jabal, Nweima and Fasayil. It is reported that the Civil Administration is advancing the plans, currently in the final stages of approval, to facilitate the transfer to these three sites.[12] It appears that this initiative is connected with plans to expand settlements which would affect thousands of Palestinian Bedouins and herders, including approximately 2,300 currently living in the eastern Jerusalem periphery. Such transfers would also adversely affect the traditional economy of the affected communities and would likely lead to the disintegration of their social fabric (A/HRC/24/30, para. 27).

13. According to the Office of the Special Coordinator for the Middle East Peace Process, the Civil Administration has recently increased pressure on these Bedouin communities to leave their places of residence by issuing and enforcing more demolition orders, stop-work and seizure orders against residential and agricultural structures. It is of concern that between January and May 2014, 13 demolitions have been reported in the E-1 area, which is higher than the total number of demolitions carried out between 2010 and 2013 (11). Moreover, according to the Norwegian

[10] Human Rights Committee, general comment 12 (HRI/GEN/1/Rev.9 (Vol. I), chap. I).

[11] The area is within the municipal boundary of the Ma'ale Adumim settlement, adjacent to East Jerusalem. Plans to construct settlements in the E-1 area would create an urban block between Ma'ale Adumim and Jerusalem, exacerbate the isolation of East Jerusalem from the rest of the West Bank and interrupt the territorial contiguity of the West Bank (A/HRC/25/38, footnote 17).

[12] According to Bimkom, an Israeli NGO, plans for Nweima and for Fasayil were approved for publication on 15 June 2014 by the High Planning Council of Judea and Samaria.

Refugee Council, during the reporting period more than 100 stop-work and demolition orders have been issued by the Civil Administration targeting different Bedouin communities in the E-1 area.

14. On 28 April 2014, as reported in an OHCHR press release, 40 members from the Sateh Al-Bahr community received eviction orders and were given 48 hours to leave their homes permanently or face eviction and confiscation of their livestock. During a court hearing on this case and on a case relating to a school building in the Khan al Ahmar community, the Israeli Government proposed to relocate both communities to Nweima, one of the centralized sites referred to above. Other communities have also been told informally by the Civil Administration that they would be relocated to Nweima.

15. It is reported that the Israeli military is using military firing zones as a way to push Palestinians out of certain areas.[13] At the above-mentioned Knesset meeting, an operations officer of the Central Command confirmed that the army has increased the number of military exercises in the military firing zones in the Jordan Valley. It is of serious concern that the implementation of recent demolitions, eviction and seizure orders against Palestinian Bedouin communities appear to pave the way for broader plans to relocate or transfer them outside their current locations and to allow for further expansion of settlements.

16. According to the United Nations Office for the Coordination of Humanitarian Affairs, there has been almost no consultation on the transfer plans with the affected communities. Except where the affected persons provide their genuine and fully informed consent, such transfer is forcible. Consent would not be genuine in an environment marked by the use or threat of physical force, coercion, fear of violence or duress (A/67/372, para. 37). The Office reports that a combination of measures implemented by Israeli authorities have created a coercive environment for the targeted communities, including restricted access to grazing lands and markets for their products, which undermines their livelihoods, demolitions and threat of demolitions, and restrictions to the obtaining of building permits. The transfer, if implemented, may thus amount to individual and mass forcible transfer, contrary to Israel's obligations under article 49 of the Fourth Geneva Convention and international humanitarian law. Under article 147 of the Convention, the unlawful transfer of protected persons constitutes a grave breach of its provisions,[14] and such acts potentially incur the individual criminal responsibility of officials engaged in forcible transfers. In addition, the transfer of these Palestinian Bedouin communities would contravene Israel's international human rights law obligations, in particular regarding the right to adequate housing (A/HRC/25/38, paras. 15 and 16).

B. Creation and expansion of settlements through official methods

17. One of the methods used by Israel in the 1980s and 1990s to seize land for the purpose of settlement construction and expansion was the declaration of State land. Such declarations are based on civilian laws in place prior to the occupation, which

[13] www.haaretz.com/news/diplomacy-defense/.premium-1.591881.

[14] The exception to this provision, in which the safety of the protected persons makes the forcible transfer absolutely necessary, is not applicable in this case. International Committee of the Red Cross, "Commentary, IV Geneva Convention relative to the protection of civilian persons in time of war".

Israel interprets as allowing the occupying Power to take possession of uncultivated land (A/63/519, para. 19). Currently, at least 16 per cent of the West Bank has been declared State land and is used for settlements (A/68/513, para. 20).

18. Since 2013, a recurrence of the practice of claiming land as State land was reported. The body responsible for this is the "Blue Line Task Force", created in 1999 by the Civil Administration to re-examine land not clearly designated as State land during the 1980s. The examination and endorsement conducted by this task force is a precondition for any new settlement construction plan to be undertaken in land designated as State land. The task force reportedly endorsed some 7,000 acres (28,000 dunams) as State land in 2013, of which around 5,000 acres (22,058 dunams) are within settlement boundaries and could become sites for planned construction. About 900 acres (3,700 dunams) are on land already developed, which may indicate that the declaration as State land was used to retroactively legitimize the settlement construction.[15]

19. In April 2014, the Blue Line Task Force endorsed the declaration of approximately 250 acres (1,000 dunams) in the West Bank as State land. Some Israeli media reported this as the largest appropriation of land in the West Bank in many years.[16] The land is located west of Bethlehem within the physical boundaries of the villages of Al Khader, Nahhalin and Beit Ummar. According to the Office for the Coordination of Humanitarian Affairs, several residents of these villages claim ownership over parts of the land, but due to a range of mainly Israeli-imposed constraints, they have not cultivated or otherwise used it, with the exception of about five acres (20 dunams). Some of the plots have been taken over by Israeli settlers in past years and the declaration of State land appears to be part of a process towards the retroactive "legalization" under Israeli law of the takeovers, including those in the outpost Nativ Ha'avot.[17] Based on their ownership claims, residents of the aforementioned villages were given 45 days to object to the declaration of their property as State land before the Military Appeals Committee. This period was further extended until 17 July 2014. If their objection is rejected, they can petition the Supreme Court. However, concerns have been raised, notably by the NGOs Diakonia and Action against Hunger, that the Supreme Court does not provide an effective remedy for Palestinians whose private land has been declared State land, in particular because the Court does not review the substance of the cases[18] and in the majority of its rulings, it follows the Civil Administration policy on land requisition.

20. Previous practice indicates that once the declaration of State land is endorsed, it is likely that the land is allocated to Israeli settlements for development. According to the Office for the Coordination of Humanitarian Affairs, given the spatial distribution of the affected parcels of land, their development will encircle a

[15] www.haaretz.com/news/diplomacy-defense/.premium-1.587901#.

[16] www.haaretz.com/news/national/.premium-1.585377.

[17] Reportedly, an official Israeli survey showed that 60 per cent of the outpost (established in 2001) was built on private Palestinian farmland.

[18] The Court can exercise judicial review over decisions of the Military Commander, which, according to the Court, must exercise careful consideration before requisitioning property of civilians in the Occupied Palestinian Territory. However, the Court has upheld decisions regarding the issuance of requisition orders pertaining to Palestinians' private property claiming that there is "no cause to intervene in the discretion of the Commander" (High Court of Justice 10356/02, Hass et al. v. IDF Commander in the West Bank et al.; and High Court of Justice 10497/02, The City of Hebron et al. v. IDF Commander in the West Bank et al.).

large section of the Gush Etzion area, connecting and creating territorial contiguity between the settlements of El'azar, Allon Shvut, Rosh Zurim, Neve Danyyel and Efrata. It is expected that Palestinians would face increased restrictions to access their farmlands located within the encircled area (A/67/375, paras. 20 and 21), even if many plots cultivated by them are not covered by the declaration of State land. Access by Palestinian farmers would be further restricted if the wall is completed as planned, thereby separating these lands from the Bethlehem urban area, where some of the landowners reside. In addition, it has been reported on the Business Insider news website that on 28 May 2014 Palestinian residents in the surroundings of Kafr Al-Deek in the northern West Bank were notified of the start of settlement construction on lands they claim as their private property. It appears from information gathered by the NGO Kerem Navot that this action follows the declaration of State land of almost 120 acres (500 dunams) in the area, dating back to 1985.

21. The resumption of the use of declarations of State land, coupled with the large amount of land seized through this method, may be a sign of a broader policy change. The Secretary-General reiterates that the process of declaring State land is not compatible with international standards of due process and undermines the right of Palestinians to an effective remedy. It also appears to be a measure by the Government of Israel destined to favour the expansion of settlements or the creation of new ones, which may amount to the transfer by Israel of its population into the Occupied Territory in violation of international humanitarian law (A/67/375, para. 10).

22. According to Peace Now, two new settlements were created in the Occupied Palestinian Territory during the reporting period: the settlement of Leshem, near Salfit in the central West Bank, where 60 families have recently moved to, and another known as the Al-Rajabi house. The case of the Al-Rajabi house, a four-story building capable of housing 40 families, is emblematic since it is located in a strategic area between the settlement of Kiryat Arba and the Ibrahimi Mosque, also known as Cave of Patriarchs, in the old city of Hebron. According to the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967, this is the first time since the 1980s that a new settlement has been created in the centre of Hebron.

23. In March 2014, as reported by OHCHR, the Israeli Supreme Court ruled that Israeli settlers were the legitimate owners of the Al-Rajabi house, after a long legal dispute between the settlers and Palestinians who alleged being tricked by the settlers because they sold the house without knowing that the settlers were the actual buyers. The Court indicated that the settlers would be allowed to move to the house only after the approval of the Minster of Defense. In April 2014, the Minister of Defense granted the approval, and, since then, at least three families reportedly have moved into the house, despite not having electricity or running water.[19]

24. According to Peace Now, at least seven new outposts were established during the reporting period, including Givat Eitam, an agricultural outpost located south of Bethlehem, and Brosh, an outpost situated in the Jordan Valley. Kerem Navot reports that an abandoned military base east of Beit Sahur in the Bethlehem Governorate is also undergoing renovation by Israeli settlers who have established a

[19] www.jpost.com/Diplomacy-and-Politics/Yaalon-Settlers-can-move-into-Hebron-house-348388.

cultural centre there. From Peace Now there are reports that other outposts have been "legalized" under Israeli law by promoting plans for them,[5] including Nahlei Tal and Zayit Ra'anan, near Ramallah; Givat Salit, in the Jordan Valley; and Elmatan, near Qalqilya. Since January 2013, nine outposts[20] have reportedly been included in the mapping conducted by the Blue Line Task Force towards endorsement of State land declarations. If the lands in which these outposts are erected are confirmed as State land, the path towards their retroactive "legalization" and future expansion as a fully-fledged settlement will be open.

25. With some exceptions, Israel continued to fail to implement demolition orders against outposts, despite the fact that they are not officially recognized under Israeli law. For example, in early January 2014, Peace Now called on the Government to implement outstanding demolition orders against Esh Kodesh outpost, following an incident in which settlers attacked the neighbouring Palestinian village of Qusra, apparently as retaliation for the evacuation by the Israeli army of a plot of private Palestinian land taken over by Esh Kodesh settlers.[21] The residents of Esh Kodesh often attack the Palestinian village, which frequently results in serious injuries to Palestinians and damage to their property (A/68/513, para. 45). However, as of May 2014, most of the demolition orders against the outpost remained unimplemented.

26. In another case, the Government reportedly committed itself to demolishing the entire Amona outpost by end 2012, and later postponed demolition to June 2013.[22] At the end of the reporting period, according to the Yesh Din, a volunteer organization working to defend the human rights of Palestinians, the demolition had still not been implemented, despite an order of July 2013 by the President of the Israeli Supreme Court for the evacuation of all the structures, except for the houses built on plots for which the settlers made purchase claims. A few days before the outpost was scheduled to be dismantled, a settler organization (Al-Watan) claimed that it had purchased portions of land within its boundaries. The Government reportedly decided to freeze the demolitions until an Israeli court passed judgement on the status of the lands allegedly purchased by this settler organization, in contradiction with its pledge to remove the outpost. In May 2014, Israeli media reported that a police investigation found that the documents presented as proof of purchase of the land in the Amona outpost by Al-Watan were forged. The Government is considering how to proceed.[23]

27. In some cases, Israel has dismantled outpost structures, in line with legal rulings on the matter. For example, on 14 May 2014, according to the United Nations Special Coordinator for the Middle East Peace Process, 10 structures in the outpost of Ma'ale Rehavam were demolished after the Israeli Supreme Court rejected claims by settlers that the land on which the structures were located was purchased legally. This followed a decision of the Israeli Supreme Court on 18 November 2013 to demolish houses erected on private Palestinian property in three outposts, Givat Assaf, Mizpe Yitzhar and Ma'aleh Rehavam, within six

[20] Givat Harel, Elmatan, Elisha, Ibei Hanachal Alonei Shilo, Ma'ale Rehavam and three outposts located east of Tekoa (source: Kerem Navot).

[21] According to a report from the Office for the Coordination of Humanitarian Affairs, following the attack, Palestinians apprehended and beat the settlers. Other Palestinians and human rights activists intervened and handed the settlers over to the Israeli Security Forces.

[22] The Government made these commitments before the Israeli Supreme Court, following a 2008 petition by the Palestinian owners of the land to evacuate the outpost.

[23] www.haaretz.com/news/national/.premium-1.592768.

months. In the same decision, the Court ordered the Government to show progress towards "legalizing" structures allegedly on State land in five other outposts cited in a petition filed by Peace Now, including Mitzpe Lachish, Ramat Gilad and HaRoeh.[24] It is expected that other buildings in Ma'ale Rehavam, which the Court found had been built "legally", will receive permits, thus endorsing the "legality" of the outpost's existence.[25]

C. Expansion of settlements through informal methods

Control of land through agriculture

28. Along with the official methods by which the Government of Israel seeks to take control of land that is subsequently allocated to settlements (A/68/513, paras. 17-22), it appears that the Government has also encouraged takeovers of land by Israeli settlers through agricultural projects.[26] A study commissioned in 2005 by the Government of Israel on outposts in the West Bank indicated that one way that settlers establish outposts is to falsely request the creation of an agricultural farm, which is then transformed into an outpost. This is facilitated by the fact that agricultural projects do not need political-level approval. It is reported by Kerem Navot that, as of August 2013, Israeli settler agriculture in the West Bank covers around 23,000 acres (93,000 dunams), more than the built-up area of settlements and outposts, excluding those in East Jerusalem, constituting about 15,000 acres (60,000 dunams). Most of this increase has occurred after the signing of the Oslo Accords in September 1993. Between 1997 and 2012, land used by Israelis for agriculture in the West Bank grew by 35 per cent.[27]

29. In addition, Israel continues to fail to protect Palestinians and Palestinian property from criminal attacks by settlers (see paras. 36-44 below), including the construction of physical obstacles impeding the access of Palestinians to their own farmlands, intimidation and violence against Palestinian farmers (A/67/375, para. 19), and destruction of trees and crops. According to the United Nations Office for the Coordination of Humanitarian Affairs, during the reporting period, there were 217 incidents involving damage to Palestinian property by Israeli settlers, including to 10,711 trees. The lack of enforcement and of accountability in relation to such violent acts creates an atmosphere of impunity that facilitates the seizing of land by settlers, which they can then cultivate in order to expand the area effectively occupied by settlements (see A/67/375, paras. 30-36, and A/68/513, paras. 42-49). The Yesh Din volunteer organization reports that the vast majority of cases accusing settlers of seizing Palestinian land, including by trespassing and unauthorized cultivation, are closed without indictment.

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[24] www.haaretz.com/news/diplomacy-defense/.premium-1.558882.

[25] www.timesofisrael.com/amid-fears-of-violence-demolition-of-west-bank-outposts-begins.

[26] Agriculture provides economic support to settlements and enables settlers to seize large portions of land without undertaking costly infrastructure construction (see Kerem Navot, "Israeli settlers' agriculture", 2013).

[27] Israeli agriculture in the West Bank by 1997 covered around 69,000 dunams (see Kerem Navot, "Israeli settlers' agriculture", 2013).

30. The Israeli NGO Kerem Navot reports that the fastest growth of Israeli settler agriculture is taking place in the West Bank Hill Country,[28] and is linked to numerous restrictions affecting Palestinian farmers' access to agricultural fields, (A/67/375, paras. 19-21). It argues that privately owned Palestinian land situated around most settlements in these areas has been appropriated de facto by settlers for agricultural use, with the support of the Israeli military present in the settlements. Kerem Navot has reported that between 1997 and 2012, Israeli settler agriculture increased in areas close to Ramallah (by 64 per cent), Hebron (by 61 per cent) and Nablus (by 89 per cent).[29]

31. The situation is different in the Jordan Valley because a significant proportion of the land there was already registered as State land under the Jordanian administration, predating the occupation, and there was no extensive Palestinian farming in the early days of the occupation. This enabled Israel to seize large portions of land, which were then transferred for settlements.[30] In addition, Israel created an extended closed military zone along the border with Jordan, covering approximately 41,000 acres (167,000 dunams) of land that was previously farmed by Palestinians and now is off limits to them.[31] Currently, there are 37 settlements in the Jordan Valley, with the settlement authorities (regional councils) controlling 86 per cent of the land.[32] According to Kerem Navot, the Jordan Valley constitutes 85 per cent of the entire Israeli agricultural area in the West Bank.

32. In contrast, Palestinian agriculture is in decline. Cultivated areas in the West Bank shrank by 30 per cent between the 1960s and the 1990s, mainly due to land confiscation and restrictions on access to land and to water resources imposed by Israel on the Palestinian population (A/68/513, paras. 36-41).[33] This correlates to figures showing that around 40 per cent of Israeli settler agriculture in the West Bank is farmed on privately owned Palestinian land.[28] The decline is further reflected in figures on exports of agricultural products. Every year, Israeli settlers export around $285 million worth of agricultural products, whereas Palestinians only export $19 million. Approximately 28 per cent of the total Israeli agricultural exports come from products grown in the West Bank and in the occupied Syrian Golan.[34]

Archaeological excavations and parks

33. Archaeological excavations and parks are also used as a way to control land for settlements, mainly through the funding, participation and endorsement by the Government of Israel of archaeological projects led by settler organizations.

[28] Kerem Navot uses the term West Bank Hill Country to designate the ridge running north-south along highway 60 which connects the Northern and the Southern West Bank (see Kerem Navot, "Israeli settlers' agriculture", 2013).

[29] See Kerem Navot, "Israeli settlers' agriculture", 2013.

[30] See B'tselem, *Land Grab, Israel's settlements policy in the West Bank*, 2002.

[31] Thousands of dunams within this area appear to have been transferred to settlements. Settlers with special permits cultivate around 8,500 dunams (see Kerem Navot, "Israeli settlers' agriculture", 2013).

[32] See OXFAM briefing paper, "On the Brink, Israeli settlements and their impact on Palestinians in the Jordan Valley", 2012.

[33] See www.ewash.org/files/library/WBfactsheet fianl march9[1].pdf.

[34] Who Profits from the Occupation, "Made in Israel: agricultural exports from the occupied territories" (see http://www.whoprofits.org/sites/default/files/made_in_israel_web_final.pdf).

Observer organizations report that several archaeological projects in the Old City of Jerusalem are being used as a means to consolidate the presence of settlements and settlers in the area.[35] On 3 April 2014, despite several objections presented by Palestinian residents of the Silwan neighbourhood, a Palestinian community with a population of 45,000, located around the southern Old City wall in East Jerusalem, the Jerusalem District Planning and Building Committee approved a project known as the Kedem Compound.[36] The Kedem Compound includes a museum, a visitors centre, and a parking lot covering around 16,000 square metres. The plan was presented by Israel's Nature and Parks Authority and the Ir David Foundation, also known as Elad, which works to strengthen the Jewish connection to Jerusalem, notably the Silwan area.[37] The Kedem Compound would constitute a gateway to the City of David National Park, a touristic archaeological site controlled by the same organization.[38]

34. Furthermore, Elad presented plans, covering an estimated area of 1,200 square metres for the construction of another tourist compound above a site known as the spring house in Silwan, an ancient structure built above the main spring.[39] Palestinians in the area have been prevented from accessing one of their main sources of water, since Elad has blocked the entrance to the spring by walls and fences.[40] According to the Ir Amim archaeological organization, the plan was submitted for objections in February 2014. According to Emek Shaveh, an organization of archaeologists, an examination of the placement of the excavations and the planned tourist centres (the Kedem Compound, the City of David Visitors Centre, and the Spring House tourist centre) shows that a contiguous line of Israeli settler presence along the entire northern boundary of the Silwan area is being created.[41]

35. Archaeological excavations are also taking place in Hebron City in the archaeological mound known as Tel Rumeida, located in the south-western edge of the H-2 area.[42] Israel's Ministry of Culture and the Israel Civil Administration finance them, with the participation of Israel's Antiquities Authority and the University of Ariel, located in one of the biggest Israeli settlements in the West Bank. The works started in January 2014 and are reportedly planned to cover around one acre and a half (six dunams).[43] According to some observers, the archaeological park would connect the excavations area with three Israeli settlements on al-Shuhada Street[44] in the H-2 area, to which Palestinians are denied access.[45] Palestinians in and around the H-2 area have seen their freedom of movement

[35] Source: Emek Shaveh and Ir Amim organizations.

[36] http://www.civiccoalition-jerusalem.org/system/files/silwan_factsheet_2_2014.pdf.

[37] www.haaretz.com/news/national/.premium-1.576207.

[38] www.haaretz.com/news/national/.premium-1.583518 and www.haaretz.com/news/middle-east/1.583763.

[39] See http://alt-arch.org/en/press-release-tourist-center-at-the-spring-house-beit-hamaayan.

[40] http://www.ewash.org/files/library/Through%20the%20camera%20lens.pdf.

[41] http://alt-arch.org/en/press-release-tourist-center-at-the-spring-house-beit-hamaayan.

[42] The H-2 area constitutes 20 per cent of Hebron City, which is fully controlled by Israel as a result of the Oslo accords. The excavations are being carried out in the spaces between Palestinian houses built at the top of the mound.

[43] www.haaretz.com/news/diplomacy-defense/.premium-1.567694.

[44] Beit Hadassah, Beit Romano and Avraham Avinu.

[45] Emek Shaveh, "Archaeology in the shadow of the conflict" (http://alt-arch.org/en/tel-rumeida-the-future-archaeological-park-of-hebron).

severely restricted. This, compounded by the systematic harassment by Israeli settlers and often by the Israel Defense Forces (IDF), has resulted, according to the Office for the Coordination of Humanitarian Affairs, in the displacement of thousands of Palestinians and the deterioration of living conditions of those who have remained. There are concerns that this park would create a new settlement enclave in the heart of Hebron, thereby increasing the Israeli settler presence inside the city and negatively impacting the rights of Palestinians, with risks of increased settler violence and heightened restrictions on their freedom of movement.

V. Settler violence, failure to maintain public order and lack of accountability

36. Under article 43 of the Hague Convention and international human rights law, Israel has the obligation to protect the rights of Palestinians and, as occupying Power, the obligation to maintain public order and safety in the Occupied Palestinian Territory, including by providing Palestinians with all guarantees accorded to protected persons under international humanitarian law.[46]

37. Acts of violence by Israeli settlers against Palestinians and their property continue to take place on a regular basis. As in the past, most incidents appear to aim at intimidating Palestinians in order to obtain control of certain geographic locations (A/66/364, para. 21). During the reporting period, there were 271 incidents reported, including 217 involving property damage (see paras. 28-35 above), and 61 involving attacks on Palestinians that resulted in the injury of 108 persons, including 32 children and 11 women. This constitutes a decrease compared with the same period between 2012 and 2013, when 357 incidents were recorded, including 270 involving damage to property and 87 attacks on Palestinians, resulting in the injury of 171 persons, including 35 children. The number of attacks by Palestinians against Israeli settlers also decreased. During the reporting period, the Office for the Coordination of Humanitarian Affairs lists 39 incidents, including 12 cases of property damage and the injury of 48 Israeli settlers, including five children.

38. Attacks against Palestinians and their property were most frequent in the Governorates of Nablus, Ramallah, Hebron and in East Jerusalem. The Office for the Coordination of Humanitarian Affairs reported that these locations also registered a higher number of incidents of settler violence between July 2012 and May 2013. Also according to the Office for the Coordination of Humanitarian Affairs, the highest number of incidents was recorded in the Nablus Governorate, where there were 70 incidents, 15 involving physical violence, resulting in the injury of 20 Palestinians, and 55 involving attacks on Palestinian property, including damage to 2,486 trees.

39. Cases monitored by OHCHR illustrate how settler violence, coupled with actions by Israeli authorities, including harassment, violent search operations and arbitrary detentions, have affected a range of human rights of Palestinians, including the rights to private and family life, fair trial and adequate standard of living. One such case involved a Palestinian man and his family living on their 5 acre (22 dunams) farm on the outskirts of the Palestinian village of Lubban ash-Sharqiya, some 30 kilometres south of Nablus city near the Israeli settlements of Eli, Shilo

[46] Fourth Geneva Convention, articles 4 and 27.

and Ma'le Levona. The family has repeatedly been the target of attacks by settlers leading to injuries and damage to their property. Also, the Palestinian man has been arrested several times by the Israel Defense Forces. On 16 April 2014, 17 settlers, led by a rabbi, tried to enter their home to pray in the "Jewish" building. When the man denied them entry, the settlers tried, unsuccessfully, to knock down the farm gate. They later returned to the farm and proceeded to throw stones at the house, in which eight family members, including three children, were located. Shortly thereafter, IDF soldiers arrived and asked the man about a knife which they claimed he had used to attack a settler. One of the soldiers allegedly picked up a poleaxe from the orchards and accused the man of attempting to attack the settlers with it. Israeli police then arrived and arrested the Palestinian man, allegedly without informing him of the reasons of his arrest. The man was brought before an Israeli military court, accused of attacking a settler with a knife and a poleaxe and of planning to kill a settler by pushing him into a well on the farm. He was released on bail on 24 April. During his detention, his son was reportedly injured by IDF and on 26 April 2014, the same son was reportedly arrested by the Forces. At the time of writing, OHCHR had not been able to establish the reasons for the arrest. On 27 April, citing a lack of a building permit, the Palestinian man received a demolition order against the farm gate and some trees and stone walls that he had built in an area between the farm gate and his house.

40. As previously reported, IDF often fails to take appropriate measures to protect Palestinians against acts of violence perpetrated when soldiers are present (A/67/375, paras. 30-32, and A/66/364, paras. 23-25). During the reporting period, such incidents continued to be reported. For example, in a case monitored by OHCHR, on 7 March 2014, four settlers reportedly from Bet El settlement hurled stones at a car of a Palestinian photographer working for Agence France Press, breaking the windshield. The photographer was on his way to cover the Friday demonstrations in the Al-Jalazun refugee camp. IDF soldiers, present at the time, did not intervene until the photographer left his car and started to hurl stones back at the settlers. The photographer sustained light injuries to his arms while trying to protect his face from the stones. Despite still being on site, none of the settlers were arrested by the Israeli police. The photographer filed a complaint in the Israeli police station in Benyamin settlement, and submitted photographs and videos taken by fellow journalists showing the identity of his attackers.

41. The fact that Israeli authorities are able to take effective action against settler violence is demonstrated in a case where, on 8 April 2014, Israeli settlers attacked IDF soldiers and an IDF post following the demolition of some structures in Yitzhar settlement. Media reported that five people were arrested[47] and that the Israeli Government announced a policy of "zero tolerance" towards settlers attacking the authorities.[48] It was reported that IDF immediately decided to station a company of border police at Yitzhar.[49]

[47] www.ynetnews.com/articles/0,7340,L-4508832,00.html.

[48] rt.com/news/israeli-settlers-attack-idf-297.

[49] www.jpost.com/Defense/IDF-responds-to-violence-at-Yitzhar-Deploys-Border-Police-unit-to-West-Bank-settlement-348268. Reportedly, soldiers were stationed at the Yeshiva religious school which settlers had used as a base to attack Palestinian villages, as well as Israeli security forces.

42. East Jerusalem is another area particularly affected by settler violence. According to the Office for the Coordination of Humanitarian Affairs, during the reporting period, 50 incidents were recorded in East Jerusalem, including 16 physical attacks, resulting in 30 injuries, and 34 incidents of damage being done to property. Incidents at two locations, namely the Sheikh Jarrah neighbourhood and the Old City, increased between 2012 and 2013.

43. Of particular concern is the increase in reported incidents of settler violence in the Old City, which rose from 3 in 2012 to 17 in 2013. On 14 August 2013, OHCHR monitored a case in which a Palestinian family was attacked by around 40 Israeli religious students from a Talmudic school located near the family's house in the Al-Qerami neighbourhood of the Old City. The family, composed of the parents and three children, were walking towards their house, when they were attacked by the religious students with wooden and metal sticks and metal chains. As a result of the attack, all members of the family were injured; the mother and one of the sons suffered serious injuries and were hospitalized. The Israeli police intervened to stop the attack and arrested seven people. That same evening, the police asked the eldest son of the family to go to the police station to identify the attackers. Although he reportedly recognized five of them, it appears that some may have been released.[50]

44. Even if attacks by settlers appear to occur consistently in the same areas, Israel has not taken effective measures to prevent such attacks. This is compounded by the persistent lack of accountability for attacks by settlers. Although some positive measures have been taken, including the recent arrest of some Israeli citizens suspected of committing so-called "price tag" attacks,[51] the situation remains largely unchanged since the last report of the Secretary-General to the General Assembly (A/68/513), which indicated that between 2005 and 2013, only 8.5 per cent of investigations on incidents of settler violence against Palestinians in the West Bank resulted in indictments.

VI. Settlements in the occupied Syrian Golan

45. In the occupied Syrian Golan, Israeli authorities continued to consolidate the presence of Israeli settlements during the reporting period. In January 2014, the Government of Israel approved a five-year plan for the development of around 30,000 dunams of land near existing settlements. The development plan involves the removal of mines and the improvement of water infrastructure systems in order to grant agricultural plots of land for up to 750 settler families for farming.[52] The Government is reported to have set aside over 375 million shekels for this purpose.[53] This strategy of focusing on agricultural development of the occupied Syrian Golan to control the land appears to be similar to the approach taken by Israel in the West Bank.

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[50] The suspects were reportedly seen in the neighbourhood. As of mid-May 2014, no information was available on the state of the investigation.

[51] http://www.jpost.com/National-News/Police-Yitzhar-teens-arrested-for-price-tag-against-Israeli-Arabs-to-face-indictment-353112.

[52] The Israeli settler population in the occupied Syrian Golan is currently estimated to be around 20,000 (A/68/513, para. 53).

[53] www.haaretz.com/news/national/.premium.1568172.

46. The Government-sponsored agricultural expansion has also been linked to Israel's efforts to increase the settler presence in the occupied Syrian Golan for the purpose of further exploiting the natural resources of the territory for economic gain.[54] This is in violation of Israel's obligations under international humanitarian law and numerous United Nations resolutions, notably Security Council resolution 497. In this connection, the Secretary-General has previously raised concerns regarding Israeli Government-sponsored investments in the occupied Syrian Golan, including licences granted for oil and gas exploration by multinational companies (A/HRC/25/38, para. 48, and A/68/513, paras. 53 and 54). The Secretary-General notes that the Governments of France, Germany, Italy, Spain, and the United Kingdom of Great Britain and Northern Ireland have all recently issued warnings to their citizens outlining the legal and financial risks of doing business with Israeli settlements, including in the occupied Syrian Golan.[55]

VII. Conclusions and recommendations

47. **Israel continues to violate its international legal obligations and commitments under the road map, and fails to heed the repeated calls from the international community to cease transferring its civilian population into occupied territory.**

48. **Israel plays a leading role in the establishment and expansion of Israeli settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, including by using its legal system to seize land, which is later allocated to settlements, and by expanding the area effectively occupied by settlements. Israel must implement relevant United Nations resolutions, including Security Council resolution 497 (1981), and withdraw from territories occupied in 1967.**

49. **Israel continues to fail to protect Palestinians from violent acts committed by Israeli settlers, in contravention of its international obligation as the occupying Power to maintain public order and safety in the occupied territory. Israel continues to fail to ensure accountability for settler violence.**

50. **Israeli settlements in the West Bank, including East Jerusalem lead to multiple violations of the human rights of Palestinians. Israel must abide by its international obligations by respecting, protecting and fulfilling the rights of Palestinians, as contained in international human rights law. In addition, Israel, as the occupying Power, must ensure that Palestinians are afforded the protection provided under international humanitarian law for protected persons.**

51. **Israel is called on to put an end to the creation and expansion of settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan. In particular, it should cease using its legal system to control land which is then allocated to settlements, specifically through declarations and endorsements of State land. In addition, the Secretary-General calls on Israel to immediately stop using informal land control methods, such as agriculture and**

[54] http://golan-marsad.org/wp-content/uploads/Settlement-Agricultural-Expansion-in-the-Golan-Final-editedCrystal.pdf.

[55] www.haaretz.com/news/diplomacy-defense/.premium-1601631.

archaeological parks, aimed at expanding the area effectively occupied by settlements. In this regard, Israel must take action against settlers who take over land, including by agricultural activities.

52. Moreover, Israel must stop the funding, support and participation in archaeological projects, often managed by settler organizations, which contribute to the consolidation of settler presence in the Occupied Palestinian Territory and could result in several violations of the rights of Palestinians, including their right to freedom of movement.

53. The forcible transfer of the Palestinian population, including the Bedouin communities and herders currently residing in the central West Bank and the eastern Jerusalem periphery, violates Israel's obligations under international humanitarian and international human rights law. Therefore, plans that would result in the forcible transfer of such communities should be halted immediately.

54. Israel also has an obligation under international law to provide Palestinian communities in Area C, including the Bedouin communities and herders at risk of forcible transfer, with adequate housing, security of tenure and access to water and services, including health and education, in their current locations.

55. Israel, as the occupying Power, is obliged to prevent violent attacks by Israeli settlers against Palestinians, in particular in geographic locations where such acts are known to occur persistently. Israel must take all measures to ensure that all acts of violence committed by Israeli settlers against Palestinians and their property are investigated independently, impartially, thoroughly, promptly, effectively and in a non-discriminatory manner. Investigations should allow for public scrutiny and the participation of victims. Individuals responsible for violations should be prosecuted and victims should be granted effective remedies.